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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,734	10/15/2003	Brian C. Dais	J-3329	5391

28165 7590 11/02/2005

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EXAMINER

SMALLEY, JAMES N

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,734

Applicant(s)

DAIS ET AL.

Examiner

James N. Smalley

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-13,17,18,24-26 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 3-6,14-16,19-23,27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/10 6/20/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Due to the new grounds of rejection, this action is Non-Final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 7-13, 17-18, 24-26 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Burton et al. US 2003/0121921.

Burton '921 teaches a cooking pot with a lid which can be placed in a first orientation to close the container, and a second orientation which vents the container, and furthermore which contains a stepped periphery. In paragraph [0035] the reference teaches the rim may engage the lid at a single point.

Examiner reads such an embodiment to comprise a bead, as a bead will contact a container at only a single point. Paragraph [0047] teaches the lid may be applied in different orientations to obtain varying degrees of venting.

Regarding claims 9-12, Examiner takes Official Notice it would have been obvious to corrugate the bottom wall and peripheral wall of Burton '921.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-2, 7-13, 17-18, 24-26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton et al. US 2003/0121921 in view of Antrim US 2,069,125.

Burton '921 teaches a cooking pot with a lid which can be placed in a first orientation to close the container, and a second orientation which vents the container, and furthermore which contains a stepped periphery. In paragraph [0035] the reference teaches the rim may engage the lid at a single point. Examiner reads such an embodiment to comprise a bead, as a bead will contact a container at only a single point. Paragraph [0047] teaches the lid may be applied in different orientations to obtain varying degrees of venting.

To the degree the reference does not teach a sealing bead, Examiner notes it is known to provide beads on cooking pot rims to engage grooves on cooking container rims, in order to provide a positive sealing contact. Paragraph [0047] teaches the lid may comprise engagement between a groove and a protuberance. Furthermore, paragraph [0035] teaches there may be a dovetail or interlock between the lid and container, and also notes the lid in the closed position "substantially prevent[s] steam from venting."

Antrim '125 teaches a lid bead and container rim groove, which engage when the lid is in the closed position. The engagement provides a low-level seal, which could help substantially prevent steam from venting.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lid of Burton '921, providing a bead to mate with a container groove, as taught by Antrim '125 and as suggested by Burton '921, motivated by the benefit of providing a positive sealing engagement between the lid and container. Although the lid of Antrim '125 comprises a smooth outer periphery, one having ordinary skill would find it obvious to apply the bead about the periphery of the lid, thus comprising a stepped bead with a portion having a height greater than the remaining portion of the bead.

Regarding claims 9-12, Examiner takes Official Notice it would have been obvious to corrugate the bottom wall and peripheral wall of Burton '921.

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Allowable Subject Matter

6. Claims 3-6, 14-16, 19-23 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N. Smalley whose telephone number is (571) 272-4547. The examiner can normally be reached on M-Th 9-6:30, Alternate Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jns


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER